Appendix I.

[Vide answer to clause (e) of starred question No. 57 asked by Sri R Suryanarayana Rao at the meeting of the Legislative Council held on the 11th September 1946, page 382 supra.]

Rules relating to Assistant Public Prosecutors and Assistant Crown Prosecutors.

Assistant Public Prosecutors—

Class XXX.

1. *Constitution.*—This class shall consist of Assistant Public Prosecutors, grades I and II.

2. *Appointment.*—(a) Appointment shall be made as follows :—

Grade I—Promotion from II grade, or direct recruitment, or recruitment by transfer from the Madras Police Subordinate Service.

Grade II—Direct recruitment, or recruitment by transfer from the Madras Police Subordinate Service.

(b) Promotion to grade I shall be made on grounds of merit and ability, seniority being considered where merit and ability are approximately equal.

3. *Appointing authority.*—(a) The appointing authority shall be the District Magistrate concerned.

(b) Appointment shall be made after consultation with the District Superintendent of Police concerned.

4. *Unit for appointment, probation, seniority, etc.*—(a) For the purposes of appointment, probation, seniority, discharge of probationers and approved probationers for want of vacancies, re-appointment, appointment as full members and promotion the jurisdiction of each appointing authority shall be the unit.

(b) Promotion from the II grade in a district to the I grade in another district shall be made only in special circumstances.

(c) Assistant Public Prosecutors shall not ordinarily be liable to transfer from the jurisdiction of one appointing authority to that of another except for disciplinary reasons. Such transfer shall be made by the Provincial Government.

5. *Qualifications.*—A candidate for appointment as Assistant Public Prosecutor shall possess the following qualifications, namely :—

For direct recruitment—

Grade I—(i) Must not have completed 34 years of age on the first day of August in the year in which appointment is made; and

(ii) Must be a member of the Bar and have had not less than five years' active practice in criminal courts.

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Grade II—(i) Must not have completed 32 years of age on the first day of August in the year in which appointment is made; and

(ii) must be a member of the Bar and have had not less than three years' active practice in criminal courts.

For recruitment by transfer—

Grade I—(i) Must be a Prosecuting Inspector of Police in the Madras Police Subordinate Service; and

(ii) Must have passed the Pleadership examination or the B.L. degree examination of the University of Madras.

Grade II—(i) Must be a Prosecuting Sub-Inspector of Police in the Madras Police Subordinate Service; and

(ii) must have passed the Pleadership examination or the B.L. degree examination of the University of Madras.

6. *Probation*.—Every person appointed as Assistant Public Prosecutor other than an Assistant Public Prosecutor promoted from the II grade to I grade shall from the date on which he joins duty be on probation for a period of two years on duty within a continuous period of three years.

7. *Training*.—(*a*) A directly recruited Assistant Public Prosecutor shall on and from the date of his appointment undergo training for a period of four months of which two months shall be under the District Superintendent of Police of the district concerned and two months shall be under the Public Prosecutor of the district concerned.

(*b*) The pay during the period of training shall be Rs. 125 a month for grade I and Rs. 80 a month for grade II.

8. *Agreement*.—(*a*) A person appointed as an Assistant Public Prosecutor by direct recruitment shall execute an agreement in such form as may be prescribed by the Provincial Government in this behalf, binding himself to serve the said Government as Assistant Public Prosecutor for the period specified therein and if he should resign his appointment before the completion of the said period on any account except ill-health which shall be certified by a medical officer not below the rank of a civil surgeon, he shall refund to the said Government the pay drawn by him during the period of his training.

(*b*) The period to be specified in the agreement mentioned in sub-rule (*a*) shall be either two years from the date of appointment if the appointment is likely to last for that period or the period for which the post has been sanctioned.

(*c*) Any person executing an agreement for a period which is less than two years shall execute a similar agreement or agreements when his appointment is continued, until a total period of two years from the date of first appointment has been completed.

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9. *Temporary appointments.*—Notwithstanding anything contained in rules 5 and 6 any person who is a member of the Bar and whose age on the first day of August in the year in which the appointment is made does not exceed 40 years may be appointed as an Assistant Public Prosecutor temporarily if he possesses the following qualification, namely :—

Grade I.—Must have had not less than five years' active practice in criminal courts.

Grade II.—Must have had not less than three years' active practice in criminal courts.

A person so appointed shall not be regarded as a probationary Assistant Public Prosecutor.

Assistant Crown Prosecutors—

CLASS XXX-A.

1. *Constitution.*—This class shall consist of the following categories of officers, namely :—

Category—

(1) Chief Assistant Crown Prosecutor.

(2) Senior Assistant Crown Prosecutor.

(3) Junior Assistant Crown Prosecutor.

2. *Appointment.*—(*a*) Appointment shall be made as follows :—

Chief Assistant Crown Prosecutor—Direct recruitment ; or Promotion of Junior or Senior Assistant Crown Prosecutors.

Senior Assistant Crown Prosecutor—Direct recruitment ; or promotion of Junior Assistant Crown Prosecutors.

Junior Assistant Crown Prosecutor—Direct recruitment.

(*b*) Promotion as Chief Assistant Crown Prosecutor or Senior Assistant Crown Prosecutors shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal.

3. *Appointing authority.*—The appointing authority shall be the Commissioner of Police, Madras.

4. *Qualifications.*—A candidate for appointment as an Assistant Crown Prosecutor shall be a member of the Bar and shall have, on the date of appointment, not less than five years' active practice in criminal courts.

5. *Probation.*—An Assistant Crown Prosecutor appointed by direct recruitment shall, from the date on which he joins duty, be on probation for a period of six months on duty within a continuous period of one year.

6. *Training.*—(*a*) Any person appointed as an Assistant Crown Prosecutor by direct recruitment shall on and from the date of his appointment undergo training for a period of two months of which one month shall be under the Crown Prosecutor, Madras, and the other month under the Deputy Commissioner of Police, Crime Branch, Madras.

(*b*) The pay during the period of training shall be Rs. 50 per mensem less than the pay of the post concerned.

7. *Tenure.*—The tenure of appointment as Assistant Crown Prosecutor shall be a period of four years in the first instance. Extensions shall be permissible for further periods of four years up to the age of 55 years.

8. *Termination of service.*—An Assistant Crown Prosecutor may resign his office by giving three months' notice in writing to the Commissioner of Police, Madras; and the Commissioner of Police, Madras, may terminate the service of an Assistant Crown Prosecutor by giving him similar notice.

9. *Private practice.*—An Assistant Crown Prosecutor shall not engage himself in private practice and shall be considered to be a whole-time servant of the Crown.

10. *Agreement.*—A person appointed as an Assistant Crown Prosecutor by direct recruitment shall execute an agreement in such form as may be prescribed by the Provincial Government in this behalf, binding himself to serve the said Government as Assistant Crown Prosecutor for a period of two years from the date of his appointment and if he should resign his appointment before the completion of the said period of two years on any account except ill-health which shall be certified by a medical officer not below the rank of a civil surgeon he shall refund to the said Government, the pay drawn by him during the period of his training.

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